

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 08-08376 JVS Date January 20, 2009

Title **In re Jankris Vineyards:
Falvey Cargo Underwriting Ltd. v. Jankris Vineyards**

Present: The Honorable James V. Selna

Karla J. Tunis

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (In Chambers) Order to Show Cause re Failure to File Opposition

Plaintiff Falvey Cargo Underwriting, Ltd. filed a motion for summary judgment on December 11, 2009. (Docket No. 17.) The hearing on this motion was originally calendared for January 4, 2010 at 1:30 pm, but on December 16, 2009 was continued to February 8, 2010 at 1:30 pm. (Docket No. 30.)

On December 1, 2009, changes to the Federal Rules of Civil Procedure went into effect. Rule 56(c) now provides that:

(c) Time for a Motion, Response, and Reply; Proceedings.

(1) These times apply unless a different time is set by local rule or the court orders otherwise:

(A) a party may move for summary judgment at any time until 30 days after the close of all discovery;

(B) a party opposing the motion must file a response within 21 days after the motion is served or a responsive pleading is due, whichever is later; and

(C) the movant may file a reply within 14 days after the response is served.

Fed. R. Civ. P. 56(c). The versions of Local Rules 7.9 and 7.10 that were in effect on December 11, 2009 require the filing of opposing papers not later than fourteen days

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before the hearing date and reply papers not later than seven days before the hearing date.

Reading these rules in conjunction results in January 18, 2010 as the last date on which opposing papers could be filed by Defendant Jankris Vineyards that would provide Plaintiff with fourteen days to prepare a reply brief that could be filed not later than seven days before the hearing date. The filing of an opposition after January 18, 2010 would either result in a violation of Rule 56(c)(1)(C) or Local Rule 7.10.

Defendant has not filed opposing papers or a notice of non-opposition as required by Local Rule 7-16. Counsel for Defendant is ordered to show cause why he failed to comply with the Local Rules.

_____: ____00
Initials of Preparer kjt